

**Meeting Minutes for Fast Track Workgroup  
October 9, 2003, 1:00 PM to 3:30 PM  
IGCN, OAQ Training Room**

**Attendance:**

Bill Beranek (IEI ), Bowden Quinn (WPCB), and Neil Parke (Eli Lilly).  
IDEM representatives: Mary Ellen Gray, John Elliott, Dave Kallander, John Nixon, Lonnie Brumfield, Larry Wu, and MaryAnn Stevens

**Purpose of Workgroup**

The purpose of this workgroup is to review the list of expedited rulemaking issues that the Triennial stakeholder workgroup identified and come to closure on the process for an expedited rulemaking. This list was identified by the Triennial stakeholder group to include changes based on best science, updates of existing rule language, and technical corrections and clarifications that have a reasonable potential of minimal controversy.

**Minutes**

The minutes of the September 23, 2003 workgroup meeting were accepted by the workgroup members and will be placed on the fast track web site.

**First Notice**

The first notice was published in the Indiana Register on June 1, 2003, and the comment period ended July 30, 2003. Five comment letters were received during the comment period. Comments will be summarized and responses will be provided by IDEM staff. The "Response to Comments" document will be published in the Indiana Register with the draft rule at second notice.

**Discussion of the draft rule and status documents**

As a starting point, the workgroup agreed that we have completed discussion of dissolved metals and free cyanide at previous meetings. Discussion at this meeting included the following:

1. 327 IAC 2-1-8.9 (found on page 21 of the August 13, 2003 draft rule version) is an addition to the rule and is patterned from the Great Lakes System language with the exception of wildlife criteria. This new section 8.9 (and its Great Lakes System counterpart section) needs some tweaking to account for the Alaska Rule. Under the Alaska Rule, site-specific modifications to criteria included in the rules will have to go through the rulemaking process before they become effective. Site-specific modifications to criteria developed using the methodologies will become effective after they have been approved by the commissioner. The rules for the Great Lakes system currently require IDEM to public notice the receipt of a request for a site-specific modification to a criterion. This will no longer be necessary for those site-specific modifications that will have to go through the rulemaking process. The rules for the non-Great Lakes system currently do not require such a notice. There was some discussion on whether this should still be

required for those site-specific modifications that do not have to go through the rulemaking process.

Bowden Quinn believes it is important to provide advance notice of an applicant's request for a change from a numeric criterion existing in rule. As an example, Bowden cited the U.S. Steel permit's changed site-specific criterion for cyanide. USS used as the basis for their request a claim of no salmon in the Grand Calumet River.

The consensus of the group was to require IDEM to public notice the receipt of a request for a site-specific modification to a criterion developed using the methodologies for the Great Lakes system and non-Great Lakes system.

2. On page 62 at 327 IAC 2-1.5-16(b)(A) [note: this format will be corrected to subdivision (1)] reference should be to all numeric criteria not just to the listed 8(b) etc.
3. In 327 IAC 5-2-11.2, add public notification requirements for downstate Tier II site-specific criteria similar to the Great Lakes system rules.
4. IDEM is to talk to EPA concerning site-specific criteria and the consequences of not putting them into rule during the fast track rulemaking. There is some concern about whether the site-specific criteria approved by IDEM prior to the Alaska Rule are grandfathered into a renewed permit if we do not include the site-specific criteria in our rules.
5. Neil Parke has concerns about the definition of bioaccumulating chemicals of concern (BCC). He has data he believes shows that Di-n-Butyl Phthalate (DBP) is not a BCC. (Note: Post-meeting Neil provided a report with references on DBP.)
6. There was some discussion on the proper drinking water criterion for TDS. John Elliott noted that the Federal Secondary Drinking Water Regulation for TDS is 500 mg/l. Bill Beranek noted that the 500 mg/l value is to be applied as a 30-day average.
7. There was some discussion about an official first notice comment asking that the term, "All waters", in the rules should be changed to "All surface waters" where appropriate. IDEM agreed to look into this further.
8. Discussion on temperature point of measurement: an official first notice comment was received asking for case-by-case determination. Bill Beranek suggested using the existing Lake Michigan temperature measurement language from the Great Lakes system rules. John Elliott is going to check with the IDEM Assessment Branch staff about using this language. The draft rule language in the 1999 triennial rulemaking did not define what temperature measurement method to use when there is an abnormal situation.
9. John Elliott noted that the term, "applicable alternate mixing zone", was added to convey that the mixing zone is specific for each pollutant and criterion.

#### Follow up issues

- Put the workgroup minutes of the September 23, 2003 meeting on the Fast Track web site.

Future Meeting Dates

The next meeting is scheduled for October 28, 2003, from 12:00 to 2:30 P.M. in the Office of Air Quality Training Room on the tenth floor of the Indiana Government Center North building.

Next Meeting issues

- Continue review of the draft rule and status documents specifically attending to these topics:
  - Dissolved Metal Translators (DMT)
  - WQBEL for WET (which are incomplete in the existing rules)
  - Topics #10 and 11 from the status document under the page 5 heading of “Technical Corrections to the Great Lakes System Rules”
  - Analytical methods for free cyanide